

REMARKS

Claims 1-25 are pending in the application. Claims 1-25 have been rejected. Claim 8 has been amended. Applicants traverse these rejections.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gill et al. (U.S. Patent 6,081,262; the "Gill reference") in view of Ogilvie et al. (U.S. Patent No. 6,324,569; the "Ogilvie reference"). Applicants traverse these rejections.

Claim 1 is directed to creating a single executable file for use in providing a presentation to a user. The presentation includes multiple slides such as one would see during a Microsoft PowerPoint® presentation. As recited in claim 1 in combination with its other limitations, a first slide is associated with first multimedia data (e.g., video, audio data, etc.) such that the first multimedia data is presented to the user based upon when the first slide is displayed to the user.

The multimedia data and slide display data are packaged in a single executable file. As recited in claim 1, the single executable file includes executable code, as well as the other items recited in claim 1 (e.g., destination information and a clean-up program) for use in providing a presentation to the user.

The presentation file creation method as recited in claim 1 is not obvious due to, among other reasons, the Ogilvie reference not being relevant art. "The relevant art is defined by the nature of the problem confronting the would-be inventor." *Ryko Mfg. Co. v. Nu-Star, Inc.*, 950 F.2d 714, 716 (Fed. Cir. 1991). The nature of the problem confronted in the Ogilvie reference is "the burden of removing unsolicited email

BEST AVAILABLE COPY

messages” (see abstract of the Ogilvie reference). The Ogilvie reference further discusses this unsolicited/unwanted email problem in other locations in the reference, such as at column 1, lines 29-31:

“Email creates annoyances which have not been fully addressed. One common source of annoyance is ‘spam’ email, namely, unsolicited email sent to multiple recipients.” (emphasis added)

Confronting annoying unsolicited and unwanted emails is a different problem than the problem of how to efficiently and effectively create presentation files as recited in claim 1. More specifically, claim 1 confronts the burden of how to efficiently and effectively transfer a presentation for display to a user (see Applicants’ specification at page 3, lines 5-6). Because of such stark differences in the problems addressed by the Ogilvie reference and claim 1, Ogilvie is not relevant prior art and thus cannot be used to reject claim 1. Accordingly, claim 1 and its dependent claims are allowable. Moreover, because claims 12-25 also confront the problem of how to efficiently and effectively transfer a presentation for display to a user, the Ogilvie reference is not relevant prior art for these claims, and thus cannot be used in rejecting claims 12-25. Accordingly, these claims are allowable.

Not only is the Ogilvie reference not relevant prior art but the reference also does not teach one or more aspects of the claims. For example, claim 1 recites in combination with its other limitations, “writing a block containing a clean-up program to the output file if the destination information corresponds to a temporary file.” The office action asserts that the Ogilvie reference discloses this aspect at column 5, lines 6-67 and column 6. Therein, the Ogilvie reference discloses removing email messages based upon an option selected by an email originator, such as an option designating that an email is to be

BEST AVAILABLE COPY

automatically deleted after being opened by the email recipient. However, the Ogilvie reference does not disclose a clean-up program for handling a presentation, let alone the writing of a block containing a clean-up program to the output file if the destination information corresponds to a temporary file as recited by claim 1 in combination with its other limitations. Because of this lack of disclosure (and for other reasons), the Ogilvie reference, whether viewed alone or in combination with any of the recited references, does not render claim 1 obvious, and therefore claim 1 is allowable. Claim 21 also recites a clean-up program aspect and accordingly is allowable for this reason.

The claims are allowable for other reasons. The office action maintains that the Gill reference discloses at column 3, lines 49-52 that auto-start file information, as recited by claims 1 and 21, is written to an output file to designate a file to be opened when the output file is executed, if an auto-start file is specified by an author. Applicants respectfully disagree. The Gill reference at this location is not discussing an auto-start file operation, but rather, the Gill reference is discussing a menu-driven page-based document layout system that allows a user to control the layout, content and presentation of a document page to be created. Because such aspects of claims 1 and 21 are not disclosed by the Gill reference, these claims and their respective dependent claims are allowable.

Applicants disagree with other positions maintained by the office action. For example, with respect to claim 7, the office action maintains that the Ogilvie reference discloses at column 11, lines 34-67 certain limitations of claim 7, such as displaying a different digital asset based on a comparison of a determined position with event data. However at that location, the Ogilvie reference discloses different categories of indicators

BEST AVAILABLE COPY

that control how email messages should be removed, such as removing an email message based upon whether a fixed time and/or date as been reached. The Ogilvie reference does not disclose having different digital assets being displayed, let alone disclosing displaying different digital assets based upon a comparison of a determined position with event data as recited in claim 7. Therefore, the Gill reference (whether viewed alone or in combination with the other cited references) does not render claim 7 obvious, and claim 7 should be allowed.

With respect to claim 15, claim 15 recites the use of an auto-start program in combination with a method for unpackaging and launching a presentation to a user. Claim 15 further recites determining, after blocks have been written to appropriate destinations, if an auto-start file is specified, and opening the auto-start file if it is specified. The office action maintains that the Ogilvie reference discloses an auto-start file at column 16, lines 8-20. Therein, the Ogilvie reference discloses an email message being decrypted after it has been provided to a user. However, the Ogilvie reference does not disclose an auto-start file operating in accordance with the limitations of claim 15 for the purposes of unpackaging and launching a presentation to a user. Due to this lack of disclosure, among other things, the Ogilvie reference, whether viewed alone or in combination with any of the recited references, does not render claim 15 obvious, and therefore claim 15 is allowable.

CONCLUSION

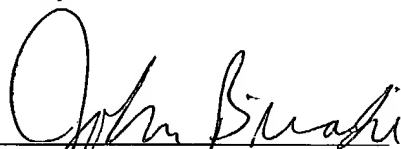
For the foregoing reasons, Applicants respectfully submit that claims 1-25 are allowable. Therefore, the Examiner is respectfully requested to enter this response and pass this case to issuance.

Respectfully submitted,

Date:

June 1, 2004

By:



John V. Biernacki

Reg. No. 40,511

JONES, DAY, REAVIS & POGUE

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

(216) 586-3939